

REMARKS

Claims 1-23 are currently pending in the present application. In paragraph 3 of the Office Action, claims 1-12, 14 and 16-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeLorme et al. in view of Shore. In paragraph 4 of the Office Action, claims 13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeLorme et al. and Shore and further in view of Terry et al. In paragraph 5 of the Office Action, claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeLorme et al. in view of Shore and further in view of Terry et al.

The earliest possible priority date for the Shore pending patent application is September 22, 2000. The present application was filed on December 4, 2000. However, as evidenced by the Rule 1.131 Declaration submitted herewith and the attached documents supporting that Declaration, the inventor forwarded his original disclosure documents to the undersigned attorney's law firm on August 23, 2000. Subsequently, a draft of the application was returned to the inventor, changes were made subsequent to discussions and the application was filed on December 4, 2000. The submission of the disclosure documents and drafting of the patent application up to and including its filing evidenced diligence on behalf of Applicant to file the present application from at least as early as August 23, 2000.

In view of the foregoing Declaration and evidence, Applicant submits that the pending application to Shore is not prior art to the present application, and therefore, the submission of this evidence should be sufficient to overcome the rejections in the outstanding Office Action of December 23, 2003 since all of the rejections in that Office Action relied upon the Shore pending application.

In view of the foregoing, Applicant submits that all the claims are now in condition for allowance, and favorable consideration is respectfully requested.

Also submitted herewith is a petition for a three month extension of time extending the period for response up to and including June 23, 2004. The Patent Office is authorized to charge

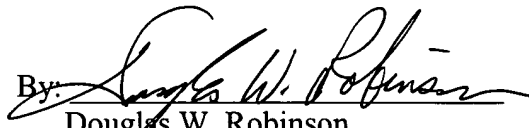
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Reply to Office Action of December 23, 2003

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the petition fee and to charge any other fees required to maintain the pendency of this case, except for the Issue Fee, and such fee(s) is to be charged to Deposit Account No. 19-0733.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that a personal or telephone interview would be helpful to resolve any remaining issue, the Examiner is kindly requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

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